



Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
September 21, 2015

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

LOCUST HILL FARMS & DEVELOPMENT
CORPORATION,

Debtor.

Case No. BK-S-15-10585-ABL
Chapter 11

**ORDER GRANTING MOTION BY
DEBTOR, TO: (I) APPROVE
SETTLEMENTS PURSUANT TO FED. R.
BANKR. P. 9019; AND (II) FOR
VOLUNTARY DISMISSAL
OF BANKRUPTCY CASE**

Date of Hearing: September 9, 2015
Time of Hearing: 1:30 p.m.

Judge: Hon. August B. Landis

This matter, having come before the Court for hearing on the Motion by Debtor: (I) to Approve Settlements Pursuant to Fed. R. Bankr. P. 9019; and (II) for Voluntary Dismissal of Bankruptcy Case [Dkt. No. 184] (the "Motion") filed by Scott D. Fleming, Esq. of the law firm of Armstrong Teasdale LLP on behalf of Locust Hill Farms & Development Corporation, a Nevada corporation ("Debtor"). Scott D. Fleming, Esq. appeared on behalf of the Debtor;

1 Ogonna M. Brown, Esq. of the law firm Holley Driggs Walch Fine Wray Puzey & Thompson
2 appeared on behalf of Gabriel Arcuri, Sr. (deceased), Gary Arcuri, and Gage Arcuri; and Brigid
3 M. Higgins, Esq. of the law firm of Black & LoBello appeared on behalf of McDonald's
4 Corporation. The Court having reviewed the Motion and exhibits, and the pleadings and papers
5 on file herein, and based upon the findings of fact and conclusions of law placed on the record at
6 the hearing and incorporated herein pursuant to Rule 7052 of the Federal Rules of Bankruptcy
7 Procedure, which incorporates by reference Rule 52 of the Federal Rules of Civil Procedures,
8 and good cause appearing, it is hereby

9 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Settlement
10 Agreement and Mutual Release between the Debtor and Gabriel Arcuri, Sr. (deceased), Gary
11 Arcuri and Gage Arcuri (the "Arcuris") ("Arcuri Settlement Agreement") attached to the Motion
12 as **Exhibit "A"** is approved pursuant to Fed. R. Bankr. P. 9019;

13 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Settlement
14 Agreement and Mutual Release between the Debtor, Children and Grandchildren as defined in
15 the Motion (the "Family Settlement Agreement") attached to the Motion as **Exhibit "B"** is
16 approved pursuant to Fed. R. Bankr. P. 9019;

17 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the above-
18 captioned case is hereby dismissed pursuant to 11 U.S.C. § 1112(b);

19 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that upon conveyance
20 of the real property located at 149 Fairview Avenue, Hudson, New York to McDonald's
21 Corporation or its assignee, as contemplated by the Settlement Agreement, the real property
22 located at 149 Fairview Avenue, Hudson, New York, shall not be the subject of any Motion to
23 Commence an Avoidance Action, and shall not be within the retained jurisdiction of this Court;
24 and

25 ...

26 ...

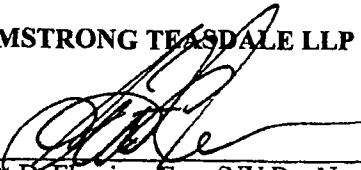
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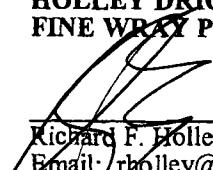
1 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this Court shall
2 retain jurisdiction to enforce the Arcuri Settlement Agreement and/or Family Settlement
3 Agreement. In the event of a dispute regarding either settlement agreement, the party alleging a
4 breach may file an ex parte motion to re-open this case, together with an affidavit or declaration
5 attesting to the nature of the purported breach, and lodge an ex parte order to re-open this case.

6 **IT IS SO ORDERED.**

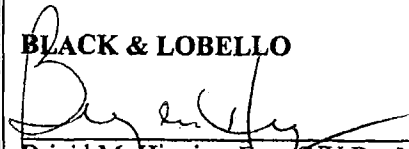
7 **ARMSTRONG TEASDALE LLP**

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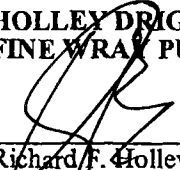

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21 Prepared and submitted by:

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RULE 9021 CERTIFICATE

In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

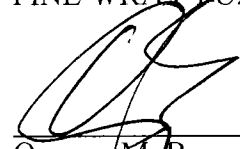
- ☐ The Court has waived the requirements set forth in LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Scott D. Fleming, Esq. – Approved

Brigid M. Higgins, Esq. - Approved

- ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

HOLLEY DRIGGS WALCH
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